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In re Application of	:	DECISION ON
Hideo SANO et al	:	
Application No.: 10/550,801	:	
PCT No.: PCT/JP2004/004767	:	
Int. Filing Date: 01 April 2004	:	PETITION
Priority Date: 07 April 2003	:	
Attorney's Docket No.: 3796.P0050US	:	
For: HIGH-STRENGTH ALUMINUM ...	:	
MANUFACTURING SAME	:	UNDER 37 CFR 1.181

This decision is in response to the "PETITION UNDER 37 CFR 1.181," filed on 03 November 2005, providing the proper English translation for PCT/JP2004/004767.

BACKGROUND

On 22 September 2005, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1), and a copy of the international application, and a translation into English of the international application was provided with the transmittal letter. However, the English translation submitted was incorrect and no executed declaration was submitted at such time.

On 03 November 2005, petitioner submitted the present petition, which is accompanied by the correct English translation of PCT/JP2004/004767 of pages 3, 6 14, 24, 32 and 34 in that these pages were originally mistranslated.

On 02 March 2006, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicants, inter alia, that an "Oath or declaration of the inventors, in compliance with 37 CFR 1.47(a) and (b), identifying the application by International application number and international filing date and the processing fee of \$130.00 for providing the translation of the application later than 30 months from priority date. The notice indicated that these items must be submitted within two (2) months from the date of this Notice or 32 months from the priority date of the application. Failure to properly will result in abandoned.

On 16 March 2006, applicants submitted an executed declaration and \$130.00 for processing the application being filed later than 30 months from the priority date

On 26 July 2006, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495" which informed applicants that the 371(c)(1), (c)(2) and (c)(4) and that the date of completion of all 35 U.S.C. 371 is 16 March 2006.

DISCUSSION

A review of the file indicates that a corrected translation of the international application was submitted on 03 November 2005. Thus, the date of receipt of the corrected translation for the above application is 03 November 2005. An executed declaration in response to the Notification mailed on 02 March 2005 was filed on 16 March 2006, which is the date that applicants satisfied the requirement under 35 U.S.C. 371(c)(4). Accordingly, this is the date that all of the requirements under 35 U.S.C. 371 have been satisfied.

DECISION

The petition under 37 CFR 1.181 is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **16 March 2006**, which is the date stated in the "NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495" (Form PCT/DO/EO/903).



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